



To the Honorable Council  
City of Norfolk, Virginia

January 25, 2022

**From:** Richard Broad  
Director of Public Works

**Subject:** Encroachment at 3415 Chesapeake Blvd

**Reviewed:**

**Ward/Superward:** 3/7

A blue ink signature of Patrick Roberts, Deputy City Manager.

Patrick Roberts, Deputy City Manager

**Approved:**

A black ink signature of Dr. Larry H. Filer II, City Manager.

Dr. Larry H. Filer II, City Manager

**Item Number:** C-3

- I. **Recommendation:** Adopt Ordinance
- II. **Applicant:** Erik J. Olson  
660 Independence Parkway, Suite 310  
Chesapeake, Virginia 23320
- III. **Description:** This agenda item is an ordinance permitting Erik J. Olson to formally encroach with a portion of the existing building in the right-of-way of Henrico Street at 3415 Chesapeake Boulevard.
- IV. **Analysis:** An encroachment is an object or structure that infringes into the City of Norfolk's (the "City's") rights-of-way or property. *Norfolk City Code*, § 42-10, requires all encroachments into the rights-of-way to be approved by City Council. The encroachment will allow Erik J. Olson to formally encroach into the right-of-way of Henrico Street at 3415 Chesapeake Boulevard with a portion of the existing building.
- V. **Financial Impact:** General liability insurance with a limit of not less than \$500,000 each occurrence, \$1,000,000 general aggregate, that shall cover liability arising from premises and/or operations directly associated with this encroachment and listing the City of Norfolk as an additional insured has been provided.
- VI. **Environmental:** There are no known environmental concerns associated with this action.

- V. **Financial Impact:** General liability insurance with a limit of not less than \$500,000 each occurrence, \$1,000,000 general aggregate, that shall cover liability arising from premises and/or operations directly associated with this encroachment and listing the City of Norfolk as an additional insured has been provided.
- VI. **Environmental:** There are no known environmental concerns associated with this action.
- VII. **Community Outreach/Notification:** Public notification for this agenda item was conducted through the City of Norfolk's agenda notification process.
- VIII. **Board/Commission Action:** The Department of Public Works, Department of Transit, City Planning, Office of Real Estate, and the City Attorney's Office have reviewed this request for encroachment and offer no objections.
- IX. **Coordination/Outreach:** This letter and ordinance have been coordinated with Department of Public Works and the City Attorney's Office.

**Supporting Material:**

- Exhibit A - Encroachment (PDF)

Form and Correctness Approved: *BAP*

Contents Approved:

By: \_\_\_\_\_  
Office of the City AttorneyBy: \_\_\_\_\_  
DEPT. Public Works

NORFOLK, VIRGINIA

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**Ordinance No.**

AN ORDINANCE GRANTING ERIK J. OLSON PERMISSION TO ENCROACH INTO THE RIGHT-OF-WAY OF HENRICO STREET WITH A PORTION OF THE BUILDING LOCATED AT 3415 CHESAPEAKE BOULEVARD, INCLUDING BRICK AND CONCRETE, ON THE PROPERTY.

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BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That permission is hereby granted to Erik J. Olson ("Olson") to encroach into the right-of-way of Henrico Street with a portion of the building located at 3415 Chesapeake Boulevard, including brick and concrete, located on the property, as shown on Exhibit A attached hereto. Such permission being further subject to the following conditions:

- (1) That this permission is expressly subject to the right of revocation by the Council and that in the event of such revocation, Olson, or his successors and assigns, shall immediately remove the encroaching structure.
- (2) That upon the removal of the encroaching structure or any part thereof, the authority hereby granted shall cease and terminate.
- (3) That Olson, or his successors and assigns, at his own cost and expense, shall take out and keep in full force and effect during the term of the encroachment general liability insurance with a company authorized to do business in the Commonwealth of Virginia, insuring and naming the City of Norfolk ("City") as an additional insured in the amount of at least \$1,000,000.00 each occurrence and \$2,000,000.00 general aggregate against liability from claims, actions and suits

that may be asserted or brought against the City and/or Olson, and its successors and assigns, for any injury to, or death of any person or persons, or for any damage to, or destruction of property resulting from the installation, maintenance, or existence of said encroaching structure, with evidence of such insurance being provided to the City.

- (4) That the City shall not be responsible for any damage to the encroaching structure, including replacement and reinstallation costs, resulting from the City's operation, maintenance, repair, or replacement of any utilities located in the right-of-way at the property address of 3415 Chesapeake Boulevard.

Section 2:- That the failure of Olson, or his successors and assigns, to fully comply with all requirements and conditions set forth herein shall act as an automatic revocation of the permission granted hereby.

Section 3:- That the use of the said encroaching structures shall be deemed an acceptance by Olson, and his successors and assigns, of all conditions to which the permissions herein are granted.

Section 4:- That this ordinance shall be in effect from and after its adoption.

Attachments:

Exhibit A - Encroachment (1 page)

THIS IS TO CERTIFY THAT ON JULY 9, 2021, I SURVEYED THE PROPERTY SHOWN ON THIS PLAT AND THAT THE TITLE LINES AND PHYSICAL IMPROVEMENTS ARE SHOWN ON THIS PLAT. THE IMPROVEMENTS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OR VISIBLE EASEMENTS EXCEPT AS SHOWN.

THE BUILDINGS SHOWN HEREON APPEARS TO BE IN FLOOD ZONE X"

FIRM MAP CITY OF NORFOLK COMMUNITY NO. 510104  
MAP REVISION: FEB. 17, 2017 PANEL NO. 0038H

THIS SURVEY PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT.

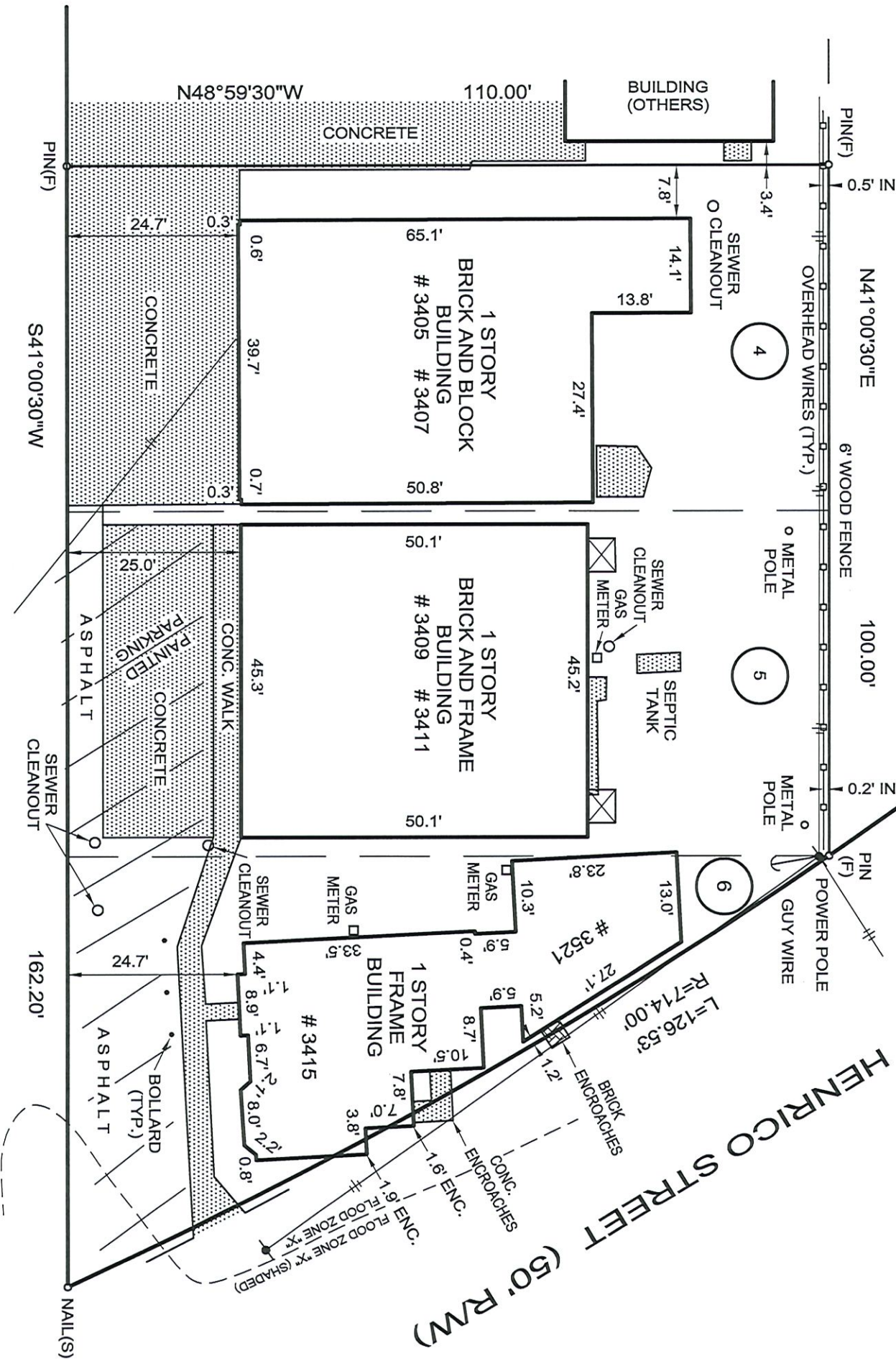
AREA OF SURVEY = 14,657 SQ. FT. OR 0.336 AC.



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7

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PHYSICAL SURVEY

OF

3405, 3407, 3409, 3411 and 3415 CHESAPEAKE BOULEVARD, NORFOLK, VIRGINIA  
AND 3521 HENRICO STREET, NORFOLK, VIRGINIA  
LOTS 4, 5 AND 6, BLOCK 1

WEST ESTABROOK

M.B. 20, PG. 30 (CHESAPEAKE)  
FOR: 3405 CHESAPEAKE BLVD., LLC

HOGGARD-EURE & ASSOCIATES, P.C.  
ENGINEERS - SURVEYORS - PLANNERS  
PORTSMOUTH, VIRGINIA

DATE: JULY 13, 2021

SCALE: 1" = 20'